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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
KEITH MAX PIERCE,
Defendant.

Case No. 2:13cr526 DN

DEFENDANT PIERCE'S
SENTENCING MEMORANDUM

Defendant Keith Max Pierce through his attorney, submits the following memorandum as to sentencing.

Defendant Pierce respectfully asks that this Court to accept the plea agreement per Federal Rule of Criminal Procedure 11(c)(1)(C), to a term of 24 months (which is somewhat lower than the guideline range low-end of 33 months), and allow that defendant be immediately released to a halfway house. “Both parties will recommend that the defendant be allowed to serve the remainder of his sentence in an appropriate half-way house.” See doc. 80 Statement in Advance of Plea, paragraph 12(C)(1).

Mr. Pierce's father, who resides with defendant's mother in New York State, relates information about defendant's formative years: Mr. Pierce participated in scouting, and achieved the rank of Eagle Scout in 1997. [See Attachment A, photo of plaque.] Defendant spent a great deal of time helping care for his grandmother who died of

Alzheimer's in 2002. [See Attachment B, photo of 1996.] Defendant donated blood regularly. [See Attachment C, certificate of 2002.]

More recently, Mr. Pierce has exhibited a strong character trait of helping others. During 2011, Mr. Pierce observed his friend James Cappelle being beaten outside a restaurant, and Mr. Pierce approached and confronted two angry men, one of whom a witness observed to hold something such as a tire iron. Mr. Pierce drew a firearm, which caused them to cease beating Mr. Cappelle, and to flee. Mr. Pierce then helped Mr. Cappelle into the vehicle, and drove him to the hospital to receive care for his injuries. [See Attachment D, Utah County Sheriff Report #11 OR 15273 from Discovery notice of compliance #4, bates 112-113.]

This is the first occasion that Mr. Pierce has served any time in jail, and he has now served well over one year. The most severe consequence of his actions is that he is now a convicted felon, a fact which causes him much pause because of its likely effect on future employment options.

Dated this 24 day of October 2014.

s/Mark J. Gregersen
MARK J. GREGERSEN
Attorney for Defendant Pierce

Certificate of Service

I hereby certify that on the date set forth below, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification to the following:

Andy Choate
Assistant U.S. Attorney
andrew.choate@usdoj.gov

Dated this 24th day of October 2014.

s/Mark J. Gregersen
MARK J. GREGERSEN
Attorney for Defendant Pierce